

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TULALIP TRIBAL FEDERAL
CORPORATION,

Plaintiff,

v.

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY,

Defendants.

Case No. 2:21-cv-01345-RAJ

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

Pursuant to Fed. R. Civ. P. 26(f) and the Court Order regarding FRCP 26(f) Conference, Initial Disclosures, and Joint Status Report (Dkt. No. 10) dated November 30, 2021, Plaintiff Tulalip Tribal Federal Corporation (“TTFC”) and The Board of Trustees of Leland Stanford Junior University (“Stanford”) submit the following Joint Status Report:

1. TTFC’s Brief Explanation of the Nature and Complexity of the Case.

This is a breach of contract and good faith and fair dealing case. TTFC and Stanford executed an agreement through which TTFC provided funding to Stanford to allow Stanford to conduct research on a cure for the opioid epidemic. Under the agreement, TTFC owns, and Stanford has a duty to disclose, any inventions based directly on TTFC’s research material and confidential information. TTFC alleges that Stanford breached these contractual duties, and so it seeks to hold Stanford accountable for its breach of contract and bad faith conduct.

1 **2. Stanford's Brief Explanation of the Nature and Complexity of the Case**

2 This is an alleged breach of contract case. There are two Stanford research projects at
 3 issue. Stanford agrees that the contract relates to the first project and contains certain narrow
 4 conditions for intellectual property ownership. There appears to be no dispute over this first
 5 project. However, Stanford does not agree that the second project triggers any of the conditions
 6 in the contract that would allow TTFC to claim ownership over any portion of the second project,
 7 including any intellectual property rights. TTFC has misinterpreted and misapplied the conditions
 8 of the contract, and the disputed research does not trigger a breach of the contract.

9 **3. Deadline for Joining Parties.**

10 The parties propose May 20, 2022, as the deadline for joining additional parties. The
 11 deadline to amend pleadings is August 30, 2022.

12 **4. Parties' Consent to Magistrate Judge.**

13 No.

14 **5. Discovery Plan.**

15 **a. Initial disclosures.**

16 i. Date FRCP 26(f) Conference Took Place: The parties held a
 17 Rule 26(f) conference on January 21, 2022.

18 ii. Date for Rule 26(a) Initial Disclosures: The parties exchanged
 19 initial disclosures on January 28, 2022.

20 **b. Subjects, timing, and potential phasing of discovery.**

21 i. Discovery Subjects: The parties reserve the right to conduct
 22 discovery as permitted under the applicable court rules. The parties anticipate discovery on the
 23 following subjects: (1) facts supporting the allegations and defenses in this matter; (2) facts
 24 supporting the relief sought in this matter; and (3) any other facts as needed to adequately present
 25 each party's case and any other matters likely to lead to the discovery of admissible evidence.

26 ii. Discovery Completion: The parties anticipate that discovery will be
 27 completed on November 2, 2022. Initial expert witness disclosures and reports are due

November 18, 2022. Rebuttal expert disclosures and reports are due December 16, 2022. Expert discovery will close January 20, 2023.

c. Electronically stored information.

The parties intend to efficiently manage the discovery process within the limitations set forth in the Federal Rules of Civil Procedure and Local Civil Rules. At this time, there are no disputes regarding disclosure or discovery of electronically stored information, and the parties anticipate managing discovery of electronically stored information in a cooperative manner.

d. Privilege issues.

The parties will attempt to resolve any privilege issues among themselves before seeking relief from the Court.

e. Proposed limitations on discovery.

The parties agree that the presumptive limits on discovery under the Federal Rules of Civil Procedure and Local Civil Rules should not be altered at this time. The parties agree that this representation is without prejudice to the right of any party to later seek relief from those limitations.

f. Discovery related orders.

The parties intend to enter into a Stipulated Protective Order.

6. Other Local Rule 26(f)(1) Matters.

a. Prompt case resolution.

The parties agree to work together in good faith to ensure prompt resolution of the case in compliance with the Federal Rules of Civil Procedure, Local Rules of Civil Procedure, and all Court orders.

b. Alternative dispute resolution.

The parties may agree that mediation might be an appropriate alternative dispute resolution method.

c. Related cases.

There are no related cases.

d. Discovery management.

The parties intend to efficiently manage the discovery process within the limitations set forth in the Federal Rules of Civil Procedure and Local Rules. At this time, the parties do not anticipate any issues regarding disclosure or discovery of electronically stored information and anticipate managing disclosure and discovery of electronically stored information in a cooperative manner. The parties will accept service of discovery and the production of documents via electronic means.

e. Anticipated discovery sought.

The parties reserve the right to conduct discovery as permitted under the applicable Court rules. The parties anticipate discovery on the following subjects: (1) facts supporting the allegations and defenses in this matter; (2) facts supporting the relief sought; and (3) any other facts as needed to adequately present each party's case and any other matters likely to lead to the discovery of admissible evidence.

f. Phasing motions.

The parties anticipate motion practice will occur following completion of discovery. The deadline for all dispositive motions and motions challenging expert witness testimony is February 10, 2023. All motions in limine must be filed by May 5, 2023.

g. Preservation of discoverable information.

There are no issues regarding the preservation of discoverable information.

h. Privilege issues.

The parties will attempt to resolve any privilege issues among themselves before seeking relief from the Court.

i. Model protocol for Discovery of ESI.

The parties intend to efficiently manage the discovery process within the limitations set forth in the Federal Rules of Civil Procedure and Local Civil Rules. The parties do not anticipate any issues regarding disclosure or discovery of electronically stored information.

1 **7. Date By Which Discovery Can Be Completed.**

2 The parties anticipate that discovery will be completed on November 18, 2022. Expert
3 discovery will close January 20, 2023 .

4 **8. Bifurcation.**

5 The parties do not anticipate a need for bifurcation at this time.

6 **9. Trial Date.**

7 June 12, 2023.

8 **10. Trial by Jury/Non-Jury.**

9 Plaintiff demands a trial by jury.

10 **11. Length of Trial.**

11 The parties anticipate the trial lasting five to seven days.

12 **12. Addresses of Counsel.**

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13. Trial Conflicts.

The parties see no complications or conflicts with setting the trial date.

14. Service on Defendant.

Defendant has been served.

15. Corporate Disclosure Statement.

Plaintiff filed its corporate disclosure statement on October 1, 2021. Defendant filed its corporate disclosure statement on November 24, 2021.

DATED: February 4, 2022

LANE POWELL PC

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DATED: February 4, 2022

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